

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN THE MATTER OF:

DILIP JANA
Plaintiff,

v.

WALMART, INC.,
Defendant.

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Civil Action No. 4:24-cv-00698-SDJ-BD

FILED

AUG 06 2025

CLERK, U.S. DISTRICT COURT
TEXAS EASTERN

**PLAINTIFF'S NOTICE OF CORRESPONDENCE REGARDING FORENSIC ANOMALIES,
NON-APPLICABILITY OF PROTECTIVE ORDER (DKT 67), AND IMPROPER
CONFIDENTIALITY DESIGNATIONS IN WALMART'S JULY 18, 2025 PRODUCTION**

TO THE HONORABLE COURT

Pro Se Plaintiff Dr. Dilip Jana respectfully submits this Notice to preserve the record concerning formal correspondence sent to Walmart's counsel on August 4 and August 6, 2025, identifying serious procedural defects and forensic anomalies in Defendant's July 18, 2025 document production.

I. Procedural Defects and Inapplicability of Protective Order (Dkt. 67)

The July 18, 2025 production:

- Was **not certified** under **Rule 26(g)** by any attorney of record;
- Was **transmitted by a paralegal**, without a certificate of service;
- Did **not identify** which discovery obligation or disclosure it purported to fulfill;

- Included **retroactive “CONFIDENTIAL” designations** for documents already publicly filed almost eleven months earlier – such as **EXHIBIT 9** from the operative Complaint (Dkt. 13 at PageID #308) – without legal basis, privilege log, or Rule 26(c)(1) showing.

For these reasons, **the July 18, 2025 production is not protected by the Court’s Protective Order (Dkt. 67)**, which requires good-faith, contemporaneous confidentiality designations and attorney oversight. Walmart’s failure to follow Rule 26(g) and the Protective Order renders the production procedurally invalid and outside the scope of any confidentiality protections.

II. Forensic Anomalies: Document Modifications After Litigation Trigger

Upon forensic analysis of the native-format .eml files produced on July 18, Plaintiff identified six attachments—including **five .eml (RFC822) email files and one Microsoft Word document titled “Recommendation.docx”**—that all bear **uniform modification timestamps of October 20, 2024**, despite being originally dated **October 4, 2023**.

- These include Plaintiff’s own previously sent emails, now appearing with altered metadata.
- Even if the content was not substantively changed, the **modification of file containers, MIME structure, or attachments over a year later**—and after the duty to preserve arose—calls into question the **authenticity, chain of custody, and admissibility** of the production.

Plaintiff’s August 6 correspondence demanded a **sworn declaration** explaining these anomalies, identifying who accessed or modified the files, what changes were made, and why the July 18 production was procedurally non-compliant.

III. Purpose of Notice

This Notice is not a motion and does not request relief at this time. It is submitted to:

- **Preserve the record** regarding Plaintiff's good-faith efforts to obtain clarification and cure;
- Reaffirm the **inapplicability of the Protective Order (Dkt. 67)** to the July 18 production;

IV. Reservation of Rights

This Notice is submitted **solely for the purpose of record preservation and does not waive any objections, rights, or pending motions.**

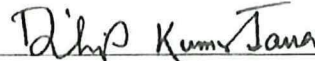
Plaintiff further reserves all rights under **Fed. R. Civ. P. 26(g), 37**, and the **Court's inherent authority** to seek further sanctions for improper production, bad-faith confidentiality designations, discovery misconduct and evidence spoliation.

V. Exhibits

- **EXHIBIT A-1** – Plaintiff's August 6, 2025 Email to Walmart's Counsel
 - **Case 4:24-cv-00698-SDJ-BD: Demand for Sworn Statement Explaining Document Modification Dates in Walmart's July 18, 2025 Production**
- **EXHIBIT A-2** – Plaintiff's August 4, 2025 Email to Walmart's Counsel
 - **Case 4:24-cv-00698-SDJ-BD: Clarification Requested re: Procedural Defects and Improper Confidentiality in Walmart's July 18, 2025 Production**

Dated: August 6, 2025

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Dilip Kumar Jana", is written over a horizontal line.

DILIP JANA, Plaintiff

Pro Se

Telephone : 318-243-9743

Email: janadilip@gmail.com

800 Fairlawn St, Allen, TX, 75002

CERTIFICATE OF SERVICE

On August 6, 2025, a true and correct copy of the foregoing was served upon the following through the Court's CM/ECF system:

Peter S. Wahby
Texas Bar No. 24011171
Peter.wahby@gtlaw.com

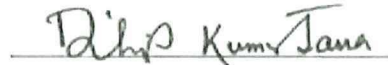
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ATTORNEYS FOR DEFENDANT WALMART INC.

Dated: August 6, 2025

Respectfully Submitted



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